

UNITED STATES DISTRICT COURT

District of New Jersey

Chambers of
William H. Walls
District Judge

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Martin Luther King Jr.
Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

NOT FOR PUBLICATION

LETTER OPINION

ORIGINAL ON FILE WITH CLERK OF COURT

July 2, 2007

Appearances:

Plaintiff Pro Se
Matthew Tucker
Greystone Hospital
#18552
Central Avenue Complex, Wing-B
Greystone, NJ 07950

Attorney for Defendant
Kimberly A. Sked
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RJ Hughes Justice Complex
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Trenton, NJ 08625-00112

Re: Tucker v. I'Jama, No. 04-0277 (WHW)
Appeal of Magistrate's Decision Denying Request for Document Production

Dear Litigants:

Plaintiff Matthew Tucker ("Tucker") appeals from Magistrate Judge Arleo's June 21,

NOT FOR PUBLICATION

2007 Letter Order denying Tucker's request for the attorney general to order a chief executive at the Greystone Psychiatric Hospital ("Greystone") to make copies of his legal documents.

Magistrate Judge Arleo denied the request and ordered that the request for documents must be made consistent with the Federal Rules of Civil Procedure.

Tucker argues on appeal that Magistrate Judge Arleo misinterpreted his June 6, 2007 letter request. He maintains he did not request documents from the defendant but sought the Court to order the chief executive of Greystone to produce any documents in Greystone's possession that Tucker had attempted to submit to the New Jersey state and federal courts.

Tucker's argument is not on point. Magistrate Judge Arleo's order indicated to Tucker that Rule 34(c) and Rule 45 govern document requests from persons not parties to the action. Since Greystone and its chief executive are not parties, Tucker cannot use the provisions of Rule 34(b) to obtain the requested documents.¹ Magistrate Judge Arleo's order is affirmed.

s/ William H. Walls
United States Senior District Judge

¹ The Court notes that its June 25, 2007 Order allows Tucker to amend his complaint to add parties if he so chooses.